

**Representative Brad L. Dee** proposes the following substitute bill:

**OFF-HIGHWAY VEHICLES AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ralph Okerlund**

House Sponsor: Jack R. Draxler

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to off-highway vehicle registrations.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ creates the Utah Highway Patrol Aero Bureau Restricted Account;
- ▶ specifies the sources and required uses for funds in the Utah Highway Patrol Aero Bureau Restricted Account;
- ▶ provides that funds in the Utah Highway Patrol Aero Bureau Restricted Account are nonlapsing;
- ▶ increases the cap on the registration fee amount that the Board of Parks and Recreation may establish for off-highway vehicles registrations;
- ▶ provides that a certain portion of all off-highway vehicle registration fees shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 This bill takes effect on July 1, 2012.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-22-8**, as last amended by Laws of Utah 2004, Chapters 159 and 349

30 **41-22-19**, as last amended by Laws of Utah 2004, Chapter 349

31 **63J-1-602.3**, as last amended by Laws of Utah 2011, Chapters 30, 284, 294, 303, and

32 329

33 ENACTS:

34 **53-8-301**, Utah Code Annotated 1953

35 **53-8-302**, Utah Code Annotated 1953

36 **53-8-303**, Utah Code Annotated 1953

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38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **41-22-8** is amended to read:

40 **41-22-8. Registration fees.**

41 (1) The board shall establish the fees which shall be paid in accordance with this  
42 chapter, subject to the following:

43 (a) ~~[The]~~ (i) Except as provided in Subsection (1)(a)(ii), the fee for each off-highway  
44 vehicle registration may not exceed [\$17] ~~H~~→ [\$20] \$18 ←~~H~~ .

45 (ii) The fee for each snowmobile registration may not exceed ~~H~~→ [\$25] \$26 ←~~H~~ .

46 (b) The fee for each duplicate registration card may not exceed \$3.

47 (c) The fee for each duplicate registration sticker may not exceed \$5.

48 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by  
49 the United States Government, this state, or its political subdivisions.

50 Section 2. Section **41-22-19** is amended to read:

51 **41-22-19. Deposit of fees and related money in Off-highway Vehicle Account --**  
52 **Use for facilities, costs and expenses of division, and education -- Request for matching**  
53 **funds.**

54 (1) Except as provided under ~~[Subsection]~~ Subsections (3) and (4) and Sections  
55 41-22-34 and 41-22-36, all registration fees and related money collected by the Motor Vehicle  
56 Division or any agencies designated to act for the Motor Vehicle Division under this chapter

57 shall be deposited as restricted revenue in the Off-highway Vehicle Account in the General  
 58 Fund less the costs of collecting off-highway vehicle registration fees by the Motor Vehicle  
 59 Division. The balance of the money may be used by the division as follows:

60 (a) for the construction, improvement, operation, or maintenance of publicly owned or  
 61 administered off-highway vehicle facilities;

62 (b) for the mitigation of impacts associated with off-highway vehicle use;

63 (c) as grants or as matching funds with any federal agency, state agency, political  
 64 subdivision of the state, or organized user group for the construction, improvement, operation,  
 65 acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities  
 66 including public access facilities;

67 (d) for the administration and enforcement of the provisions of this chapter; and

68 (e) for the education of off-highway vehicle users.

69 (2) All agencies or political subdivisions requesting matching funds shall submit plans  
 70 for proposed off-highway vehicle facilities to the division for review and approval.

71 (3) (a) One dollar and 50 cents of each annual registration fee collected under  
 72 Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection  
 73 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section  
 74 53C-3-101.

75 (b) The Utah School and Institutional Trust Lands Administration shall use the money  
 76 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally  
 77 accessible lands within its jurisdiction as follows:

78 (i) to improve recreational opportunities on trust lands by constructing, improving,  
 79 maintaining, or perfecting access for off-highway vehicle trails; and

80 (ii) to mitigate impacts associated with off-highway vehicle use.

81 (c) Any unused balance of the money deposited under Subsection (3)(a) exceeding  
 82 \$350,000 at the end of each fiscal year shall be deposited in the Off-highway Vehicle Account  
 83 under Subsection (1).

84 (4) ~~It~~ → ~~[Three dollars]~~ One dollar ← ~~It~~ of each off-highway vehicle registration fee  
 84a collected under  
 85 Subsection 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted  
 86 Account created in Section 53-8-303.

87 Section 3. Section **53-8-301** is enacted to read:

Part 3. Aero Bureau Act

53-8-301. Title.

This part is known as the "Aero Bureau Act."

Section 4. Section 53-8-302 is enacted to read:

53-8-302. Definitions.

As used in this section, "Aero Bureau" means the bureau within the division that provides aerial assistance for law enforcement activities within the state.

Section 5. Section 53-8-303 is enacted to read:

53-8-303. Utah Highway Patrol Aero Bureau Restricted Account.

(1) As used in this section, "account" means the Utah Highway Patrol Aero Bureau Restricted Account created by this section.

(2) There is created a restricted account in the General Fund known as the "Utah Highway Patrol Aero Bureau Restricted Account."

(3) The account shall consist of:

(a) money deposited into the account in accordance with Section 41-22-19;

(b) money appropriated to the account by the Legislature; and

(c) any other public or private money received by the division that is:

(i) given to the division for purposes consistent with this section; and

(ii) deposited into the account at the request of:

(A) the division; or

(B) the person giving the money.

(4) Money in the account may only be expended for:

(a) the purchase of aircraft and helicopters for use by the Aero Bureau in search and rescue operations;

(b) replacement, maintenance, and upgrade of search and rescue equipment;

(c) search and rescue training and certification for division officers and employees;

(d) personnel and fuel costs of the Aero Bureau associated with providing search and rescue services; and

(e) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.

⌂→ [~~5~~] Funds in the account are nonlapsing. ⌂←

119 Section 6. Section **63J-1-602.3** is amended to read:

120 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

121 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in  
122 Section 53-2-107.

123 (2) Appropriations made to the Department of Public Safety from the Department of  
124 Public Safety Restricted Account, as provided in Section 53-3-106.

125 (3) Appropriations to the Motorcycle Rider Education Program, as provided in Section  
126 53-3-905.

127 (4) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account  
128 created in Section 53-8-303.

129 [~~(4)~~] (5) Appropriations from the DNA Specimen Restricted Account created in  
130 Section 53-10-407.

131 [~~(5)~~] (6) The Canine Body Armor Restricted Account created in Section 53-16-201.

132 [~~(6)~~] (7) Appropriations to the State Board of Education, as provided in Section  
133 53A-17a-105.

134 [~~(7)~~] (8) Certain funds appropriated from the Uniform School Fund to the State Board  
135 of Education for new teacher bonus and performance-based compensation plans, as provided in  
136 Section 53A-17a-148.

137 [~~(8)~~] (9) Money received by the State Office of Rehabilitation for the sale of certain  
138 products or services, as provided in Section 53A-24-105.

139 [~~(9)~~] (10) Certain funds appropriated from the General Fund to the State Board of  
140 Regents for teacher preparation programs, as provided in Section 53B-6-104.

141 [~~(10)~~] (11) A certain portion of money collected for administrative costs under the  
142 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

143 [~~(11)~~] (12) Certain surcharges on residential and business telephone numbers imposed  
144 by the Public Service Commission, as provided in Section 54-8b-10.

145 [~~(12)~~] (13) Certain fines collected by the Division of Occupational and Professional  
146 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
147 enforcement purposes, as provided in Section 58-17b-505.

148 [~~(13)~~] (14) Certain fines collected by the Division of Occupational and Professional  
149 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as

150 provided in Section 58-63-103.

151 [~~14~~] 15 Appropriations from the Relative Value Study Restricted Account created  
152 in Section 59-9-105.

153 Section 7. **Effective date.**

154 This bill takes effect on July 1, 2012.